

REMARKS

Claims 1-67 are pending in the present application. Applicants have amended Claims 1, 10, 24, 26, 35, 47 and 56 herewith. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 112, Second Paragraph

The Examiner rejected Claims 1-67 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The Examiner states that the phrase "journaling the data to form journaled data" is indefinite and unclear, and also states that such phrase is being interpreted as "monitoring data" for purposes of examination. This rejection is respectfully traversed.

With respect to Claim 1, 24, 26 and 47, Applicants have amended such independent claims to define what is meant by such objectionable phrase.

Applicants traverse the rejection of Claims 2-12 for reasons given above with respect to Claim 1 (of which Claims 2-12 depend upon).

Applicants traverse the rejection of Claims 27-37 for reasons given above with respect to Claim 26 (of which Claims 27-37 depend upon).

Applicants traverse the rejection of Claims 48-58 for reasons given above with respect to Claim 47 (of which Claims 48-58 depend upon).

With respect to Claims 13 (and dependent claims 14-21), 22 (and dependent Claim 23), 25, 38 (and dependent Claims 39-46) and 59 (and dependent Claims 60-67), Applicants urge that such claims do not recite the phrase "journaling the data to form journaled data", and thus to the extent this phrase is objectionable as being unclear, and all claims are being rejected based on such objectionable phrase being unclear, these Claims 13 (and dependent claims 14-21), 25, 38 (and dependent Claims 39-46) and 59 (and dependent Claims 60-67) are shown to have been erroneously rejected under 35 USC 112, 2nd paragraph as they do not recite this objectionable phrase.

Therefore the rejection of Claims 1-67 under 35 U.S.C. § 112, second paragraph has been overcome.

II. 35 U.S.C. § 102, Anticipation

The Examiner rejected Claims 1-67 under 35 U.S.C. § 102(b) as being anticipated by Conklin et al. (U.S. Patent No. 5,991,881) (hereinafter "Conklin"). This rejection is respectfully traversed.

In response to the 35 USC 112 2nd paragraph rejection, Applicants have amended Claim 1 to define that 'journaling of data' is different from 'monitoring of data', since 'monitoring of data' is being used by the Examiner as the interpretation of the claimed 'journaling the data' in the examination of the presently claimed invention. Applicants urge that the cited reference does not teach any journaling of data, and thus does not teach the claimed steps of "determining whether a virus is present in the data processing system after journaling of the data has begun" or "responsive to an identification of the virus, restoring the data using the journaled data". Thus it is shown that Claim 1 is not anticipated by the cited reference, as every element of the claimed invention is not identically shown in a single reference.

Applicants initially traverse the rejection of Claims 2-12 for similar reasons given above with respect to Claim 1.

Further with respect to Claim 2, Applicants urge that the cited reference does not teach the claimed feature of "responsive to an absence of an identification of the virus, discarding the journaled data" as there is no teaching of any discarding of journaled data. Thus, Claim 2 is further shown to not be anticipated by the cited reference.

Further with respect to Claim 8, Applicants urge that the cited reference does not teach the claimed feature of "responsive to an identification of the virus, blocking access to the data by a process accessing the data". Rather, the cited reference merely logs data and sends an alert message. Thus, Claim 8 is further shown to not be anticipated by the cited reference.

Further with respect to Claim 9, Applicants urge that the cited reference does not teach the claimed feature of "responsive to an identification of the virus, generating an indication halting a process accessing the data". Rather, the cited reference merely logs data and sends an alert message. Thus, Claim 9 is further shown to not be anticipated by the cited reference.

Further with respect to Claim 10, Applicants urge that the cited reference does not teach the claimed feature of “wherein the journaled data is data accessed by a single process and maintained until a determination is made that the single process is eliminated as a virus candidate”. Thus, Claim 10 is further shown to not be anticipated by the cited reference.

Further with respect to Claim 11 (and dependent Claim 12), Applicants urge that the cited reference does not teach the claimed feature of “wherein the journaled data is stored in a protected memory accessible only by the method”. Thus, Claim 11 (and dependent Claim 12) is further shown to not be anticipated by the cited reference.

Still further with respect to Claim 12, Applicants urge that the cited reference does not teach the claimed feature of “wherein the journaled data is stored in a data structure located in a protected memory inaccessible by a process”. Thus, Claim 12 is further shown to not be anticipated by the cited reference.

With respect to Claim 13 (and dependent Claims 14-21, Applicants urge that the cited reference does not teach the claimed step of “saving a state of a data object *in response to a request to access the data object by a process*”, which is in addition to the claimed step of “performing pattern matching of a set of actions taken within the data processing system”. Applicants urge that the cited reference does not teach, nor has the Examiner alleged any teaching of both pattern matching of a set of actions *and* saving a state of a data object in response to a request to access the data object by a process. Rather, the cited reference teaches that all activity is logged upon detection of an intrusion attempt. Thus, as every element of the claimed invention is not identically shown in a single reference, it is shown that Claim 13 (and dependent Claims 14-21) are not anticipated by the cited reference.

Further with respect to Claim 15, Applicants urge that the cited reference does not teach the claimed feature of “if an intrusion is absent, determining whether a time threshold has been reached; and if an absence of a reaching of the time threshold is present, repeating the matching step using another set of actions”. Thus, Claim 15 is further shown to not be anticipated by the cited reference.

With respect to Claim 22 (and dependent Claim 23), it is urged that the cited reference does not teach the claimed feature of “a journaler, wherein the journaler

journals data in response to accessing of the data and restores the data to the prior state in response to the indication by the pattern matcher, wherein the data is journaled until the first indication is generated by the pattern matcher". As can be seen, this journaler (i) journals data *in response to accessing of the data*, and in addition this journaler (ii) restores the data to the prior state *in response to the indication by the pattern matcher*. The cited reference does not teach any such journaler that is responsive to both (i) accessing of the data and (ii) an indication by the pattern matcher. In addition, the cited reference does not teach any such journaler that restores the data to a prior state. Thus, as every element of the claimed invention is not identically shown in the cited reference, it is shown that Claim 22 (and dependent Claim 23) is not anticipated by the cited reference.

Applicants traverse the rejection of Claim 24 for similar reasons to those given above with respect to Claim 1.

Applicants traverse the rejection of Claim 25 for similar reasons to those given above with respect to Claim 13.

Applicants traverse the rejection of Claim 26 (and dependent Claims 27-37) for similar reasons to those given above with respect to Claim 1.

Applicants further traverse the rejection of Claim 27 for similar reasons to the further reasons given above with respect to Claim 2.

Applicants further traverse the rejection of Claim 33 for similar reasons to the further reasons given above with respect to Claim 8.

Applicants further traverse the rejection of Claim 34 for similar reasons to the further reasons given above with respect to Claim 9.

Applicants further traverse the rejection of Claim 35 for similar reasons to the further reasons given above with respect to Claim 10.

Applicants further traverse the rejection of Claim 36 (and dependent Claim 37) for similar reasons to the further reasons given above with respect to Claim 11.

Applicants still further traverse the rejection of Claim 37 for similar reasons to the still further reasons given above with respect to Claim 12.

Applicants traverse the rejection of Claim 38 (and dependent Claims 39-46) for similar reasons to those given above with respect to Claim 13.

Applicants further traverse the rejection of Claim 40 for similar reasons to those given above with respect to Claim 15.

Applicants traverse the rejection of Claim 47 (and dependent Claims 48-58) for similar reasons to those given above with respect to Claim 1.

Applicants further traverse the rejection of Claim 48 for similar reasons to the further reasons given above with respect to Claim 2.

Applicants further traverse the rejection of Claim 54 for similar reasons to the further reasons given above with respect to Claim 8.

Applicants further traverse the rejection of Claim 55 for similar reasons to the further reasons given above with respect to Claim 9.

Applicants further traverse the rejection of Claim 56 for similar reasons to the further reasons given above with respect to Claim 10.

Applicants further traverse the rejection of Claim 57 (and dependent Claim 58) for similar reasons to the further reasons given above with respect to Claim 11.

Applicants still further traverse the rejection of Claim 58 for similar reasons to the still further reasons given above with respect to Claim 12.

Applicants traverse the rejection of Claim 59 (and dependent Claims 60-67) for similar reasons to those given above with respect to Claim 13.

Applicants further traverse the rejection of Claim 61 for similar reasons to those given above with respect to Claim 15.


Therefore, the rejection of Claims 1-67 under 35 U.S.C. § 102 has been overcome.

III. Conclusion

It is respectfully urged that the subject application is patentable over the cited reference and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 2/17/05

Respectfully submitted,



Duke W. Yee
Reg. No. 34,285
Wayne P. Bailey
Reg. No. 34,289
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorneys for Applicants